

Dear Arbitrator:

Thank you for your service in the arbitration program. The following question and answer check list and information may help you. If you have any questions, comments or suggestions please call **(602) 506-3850** or e-mail us at civilarbitration@jbazmc.maricopa.gov

QUESTIONS AND ANSWERS

Q. FIRST, WHAT SHOULD I DO?

A. Check the court website by logging on to:
www.superiorcourt.maricopa.gov/docket/CivilCourtCases/caseSearch.asp for case information. (Procedures are included in the basic information section of this packet.) If you do not have a conflict, schedule an arbitration hearing. The hearing shall commence **no earlier than 60 and no more than 120** days after the Notice of Appointment of Arbitrator.

Q. WHY SHOULD THE HEARING BE DONE SO SOON?

A. Consistent with the need to minimize delay in litigation, Rule 38.1(b) of the A.R.S. Rules of Civil Procedure requires a Notice of Decision, (See Rule 76 of the A.R.S. Rules of Civil Procedure) to be eFiled within 210 days after the action was filed.¹ After the arbitration hearing, time sensitive procedures are required before your award is final. (See Rule 76 of the A.R.S. Rules of Civil. Procedure.) If a party wants to appeal, there may be some discovery that needs to be processed before the appeal can be set for trial. Everything needs to be completed before the 210-day period has run.

Q. WHERE CAN THE HEARINGS BE HELD?

A Arizona Bar Center - (602) 340-7239
Arbitrator's Private Office

Q. WHAT DO I DO IF I RECEIVE MOTIONS?

A. Motions are sent to the arbitrator throughout the pendency of arbitration. You can and should rule on them except:

Motions/Stipulations to Consolidate Cases under Rule 42;
Motions/Stipulations to Continue on Dismissal calendar under Rule 38.1(d);
Motions/Stipulations for a Judgment of Dismissal;
Motions to withdraw as attorney of record under Rule 5.3;
Motions for Summary Judgment that if granted, would dispose of the entire case as to any party;
Motions for Sanctions under Rule 68(g);
Motions to Dismiss
The above Motions/Stipulations should be forwarded to the assigned Trial Judge.

¹ Complex and unusual cases can be handled under Rule 16 A.R.S. Rules of Civil Procedure. This rule is not designed for arbitration cases and should be used very rarely, if at all, in arbitration.

Your rulings on motions will be final unless the case is appealed.

B. Discovery Motions-The arbitrator may hear discovery motions. Taking into account such motions, the arbitrator shall consider the purpose of arbitration is to provide for the efficient and inexpensive handling of small claims. If, an arbitrator makes a ruling requiring disclosure of matters that a party claims is privileged or confidential, a party may appeal within 10 days of the ruling to the assigned judge for a de novo review.

Q. WHAT DO I DO AFTER THE HEARING?

Within ten days after completing the hearing you must: (1) eFile the Notice of Decision (sample on page 14 of this packet) with the Clerk of the Court and, (2) mail copies of the Notice of Decision to all parties who are representing themselves. Within ten days of filing the Notice of Decision, the prevailing party must submit the following to you:

(1) A proposed form of Arbitration Award

(2) A verified statement of costs and an affidavit for attorneys' fees, if fees are recoverable. Parties and counsel have five days after receipt to file objections. Within ten days of receipt of objections, the arbitrator shall consider the objections, sign and eFile the award with the Clerk of the Court and mail copies to persons representing themselves. NOTE: the arbitration is not formally ended until an "**Award**" is filed. Please be sure the word "proposed" does not appear on the original award. A proposed award is just a proposal and not the final Award. The clerk's office will not file a "proposed" award even if you sign it.

Q. WHAT DO I DO WITH EXHIBITS?

A. Return exhibits to the parties at the end of the hearing or after the award has been filed.

Q. HOW CAN AN ARBITRATOR SET A HEARING IF LESS THAN ALL OF THE DEFENDANTS HAVE ANSWERED?

A. If the assigned arbitrator determines that less than all parties have answered and wishes to set a hearing within 120 days, the arbitrator may set a telephonic scheduling conference with all parties served to date. The arbitrator may order the plaintiff or counsel to immediately notify all parties who have been served of the date and time of the scheduling conference.

Q. WHAT SHOULD AN ARBITRATOR DO IF A DEFAULT HAS BEEN ENTERED AGAINST A DEFENDANT?

A. If a default has been entered against a named defendant, the arbitrator loses jurisdiction over the defaulted defendant only and the case against that defendant should be referred to the assigned judge for all default proceedings.

BASIC INFORMATION FOR ARBITRATORS

1. When the arbitrator has a conflict of interest or needs to be removed from the case or the list of arbitrators for a specific period of time as specified in the A.R.S. Rules of Civil Procedure, Rule, 73(g):

Submit a motion to be removed as the arbitrator through e-File at:
<https://turbocourt.com/go.jsp?act=actShowStateGlobal&tmstp=1513881069654&id=11542622> citing the rule and making a clear statement of the facts that site the rule. Please include the case number and caption in your motion and mail copies of the motion to all parties.

Be sure to click on the box that states you are the arbitrator so that you will not be charged the fee for filing a document.

PLEASE REMEMBER... you are still the arbitrator in the case until you have received a minute entry from Superior Court saying that you are excused.

2. General Procedures

- 2.1 Review the A.R.S Rules of Civil Procedure, Rules 72-77 for Compulsory Arbitration
- 2.2 Once the hearing date is determined, prepare a Notice of Hearing (sample included on page 11 of this packet)

Then eFile at:

<https://turbocourt.com/go.jsp?act=actShowStateGlobal&tmstp=1513881069654&id=11542622>

When you are eFiling as the Arbitrator, please check the box that states “I have been appointed by the court as Special Master or Arbitrator” so the filing fee will not be charged to you.

- 2.3 It is the responsibility of counsel and persons representing themselves to notify the Arbitrator and the Arbitration Department if an interpreter is needed. The Arbitrator is responsible for promptly notifying the Civil Administration Arbitration Department and Court Interpreter Translation Services (602-506-3494) of any hearings, rescheduled hearings, and cancellations in writing.

Pursuant to Title VI of the Civil Rights Act of 1964 and the Maricopa County Superior Court Administrative Order number 2016-034, the Judicial Branch of Arizona in Maricopa County is to provide for the timely and reasonable language assistance to persons with limited English proficiency (LEP) who come in contact with the Judicial Branch. The same services are provided for persons requiring sign language interpreters covered under the Americans with Disabilities Act.

3. Continuances

- 3.1 If necessary, you may extend the time for hearing for “good cause”. (Please refer to the “Extension of Time for Hearing” section for guidance)
- 3.2 If a bankruptcy is filed during the arbitration process, please have counsel or party who filed the bankruptcy prepare and eFile a "Bankruptcy Notice" under the

superior court case number indicating the bankruptcy case number, so you can issue an order referring the case back to the assigned judge.

4. To Access the court file

Attorneys appointed as arbitrators may get remote access to court documents through the Electronic Court Record Online (ECR Online) by emailing a copy of the Appointment of Arbitrator to the e-File mail email address at: efilesupport@cosc.maricopa.gov or fax to 602-372-8751. In the e-mail or fax, request to add the case to the arbitrator's "My Cases" list on ECR Online. Include the case number and arbitrators name, as well as a preferred contact number in case Clerk's staff need to follow up.

5. How to Receive Compensation.

Rule 76(f) authorizes compensation to arbitrators for time spent in hearing and if an Award or final disposition is filed.

If an arbitrator chooses to donate their payment to someone else, such as their firm or the state bar, complete the "Invoice in Support of Warrant Request."

Go to: <https://superiorcourt.maricopa.gov/media/1712/warrantform.pdf>

For **"Payable To"** option:

Complete the **"Invoice in Support of Warrant Request"** and Check Payable To:

Go on line to complete the **"Vendor Registration"** with the Department of Finance.

County Finance is now handling Vendor Registration.

All existent vendors need to re-register through Department of Finance web site located at: <https://www.maricopa.gov/634/Doing-BusinessVendor-Registration>

When you get to the web site you will need to

- In the middle of the page you will see a box that says select appropriate form and click on the appropriate form.
- Scroll down to the table of contents and click on Account Registration.
- From here you can begin your vendor registration.
- Fill out all of the information.
- Click the Submit button at the bottom of the form.

After the registration approval, the vendor will receive an automated e-mail confirmation with the new registration.

For any changes, the vendor must submit a change form on the web located at:

<https://www.maricopa.gov/634/Doing-BusinessVendor-Registration>

Please direct questions regarding the Vendor-registration and W-9 to County Finance at: 602-506-6529

Send the **"Invoice in Support of Request for Warrant"** to the **Arbitration Department** (201 W. Jefferson, 4th floor, CCB, Phoenix, AZ 85003)

Please include the following information:

1. Day(s) spent in hearing
2. Case Number
3. Vendor Registration and Tax I.D. number
4. Amount due \$75 X day(s) in hearing
5. Original Signature

IMPORTANT:

County Finance **will not** issue checks if a vendor registration number has not been assigned. Requests are processed weekly. County reimbursement must be approved at several levels. Please contact **County Finance** at **602-506-6529** if you do not receive payment in a timely manner.

Other Helpful Links

Clerk of the Court: <http://www.clerkofcourt.maricopa.gov/>

Attorney Address change: <http://www.clerkofcourt.maricopa.gov/AttyAddLanding.asp>

Arizona State Bar: www.azbar.org

Maricopa Bar: www.maricopabar.org

Superior Court Law Library <https://superiorcourt.maricopa.gov/llrc>

County Finance:
(For vendor registration) <https://azdom-vss.hostams.com/webapp/PRDVSS1X1/AltSelfService>

Invoice in Support of Request
For Warrant: <https://superiorcourt.maricopa.gov/media/1712warrantform.pdf>

OR

Paper forms are no longer accepted. Vendor registrations will only be accepted through the website at: <https://azdom-vss.hostams.com/webapp/PRDVSS1X1/AltSelfService>.

The new process will give you full control over your organizational information. Please be advised however, that you are now directly responsible for the presence and accuracy of your company's information. Vendors currently registered who have changes to their information or have not registered online, must establish a new account via web site link. County Finance will no longer post changes to existing vendor records.

Revised September 4, 2020

Procurement Vendors: Be sure to select those commodity codes that best represent the commodities and or service provided by your organization. No procurement registrants may ignore the commodity portion.

Registration is **FREE**. You may use any computer with web access for registration, record updating, and maintenance.

If you have any questions, call us at 602-506-6529.

EXTENSIONS OF TIME FOR HEARING

Delays in arbitration have been a significant problem. You may receive a request to extend time to hold the hearing. As arbitrator, for good cause, you may shorten or extend time for an arbitration hearing (A.R.S. Rules of Civil Procedure 74(c)). You are encouraged to grant a brief extension only if good cause is shown through a timely formal pleading. If you grant an extension, it must not conflict with Rule 38.1. A formal signed order should be eFiled and forwarded to the Arbitration Department. Remember, a Motion to Set and Appeal from Arbitration is required within **210** days of the date of filing. Please refer all motions to continue on dismissal calendar and motions to consolidate cases to the assigned judge.

Some examples of what should be considered in determining good cause are:

- 1) Whether the underlying circumstances were foreseeable or due to lack of preparation;
- 2) Whether the parties are proceeding with due diligence;
- 3) The complexity of the case;
- 4) The novelty of the issues;
- 5) Prejudice to another party;
- 6) The need to dispose of actions or set them for trial in accordance with the fast track time limits – A Motion to Set and Appeal from Arbitration is required within **210** days of the filing of the action. (See A.R.S Rules of Civil Procedure Rule 38.1)

Some examples of what do not amount to good cause are:

- 1) Stipulations that are not supported by factual bases;
- 2) Motions grounded on pending settlement negotiations;
- 3) Motions grounded on failure to serve a defendant where due diligence in trying to serve has not been shown.

As arbitrator, you are acting as a judicial officer for this case. Any continuance pursuant to A.R.S Rules of Civil Procedure 74(d)(1)(A), should not unduly delay proper preparation for final disposition. If good cause has been shown, justifying a continuance, you should continue a hearing only for the length of time necessary to prepare for the hearing.

The Arizona Rules of Civil Procedure require filing of a Disclosure Statement. Rule 26.1 A.R.S Rules of Civil Procedure, provides that the Rules of Civil Procedure apply.

Thank you for your continued service. Your efforts are greatly appreciated.

Where to File Arbitration Documents

eFile with Superior Court at: www.azturbocourt.gov

AZ Turbo Court 602-452-3519

OATHS AND AFFIRMATIONS

WITNESS

You (and each of you) do solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

AFFIRMATIONS

Occasionally a person prefers not to take an oath and will ask to be affirmed.

WITNESS AFFIRMATION (Do not raise hand)

YOU DO AFFIRM that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, **THIS YOU DO UNDER THE PAINS AND PENALTIES OF PERJURY?**

Following are some **SAMPLES** you may find useful

Arbitrator:

Phone: _____ Bar # _____

Dear Counsel:

On _____, I was appointed by the court to serve as arbitrator in this case. To expedite matters, please do the following:

1. Provide me with a stipulated series of dates on which the arbitration hearing could be held. None of those dates should be later than allowed by the Arbitration Rules. Please remember that the action can be dismissed under Rule 38.1(d), A.R.S. Rules of Civil Procedure if the arbitration is not timely completed.
2. Please read the A.R.S. Rules of Civil Procedure, 75(d) and 75(b) and pay special attention to the provision concerning witnesses and Documentary evidence. Documentary evidence should be received on stipulation whenever possible. In addition, please try to stipulate on all undisputed facts, limitation of issues and other matters as appropriate.
3. Please provide me with copies of all exhibits at least two business days before the hearing. I will try to read the exhibits before the hearing. Also, at least two business days before the hearing, I would appreciate brief memoranda (no more than five pages per side) outlining your positions in the arbitration.
4. Most arbitration hearings can be completed in two hours with each side taking no more than an hour. If you require more time than that, please let me know as quickly as possible.

Once the hearing has been scheduled, and if an interpreter is needed for any party or witness. Please notify in writing the Arbitrator, Civil Court Administration Arbitration Department (602- 506-3850) and the Court Interpreter and Translation Services at (602-506-3494) at least 3 weeks prior to the hearing date, to request an interpreter. **Please keep in mind, if you do not request an interpreter at least 3 weeks prior to the hearing, an interpreter may not be available for the hearing.** Interpreters cannot be provided for Corporations, only for witnesses for the corporation. Thank you for your courtesy and cooperation.

Sincerely,

Copies mailed this ____ day
of _____, 20__ to:
Plaintiff(s)
Defendants(s)

Arbitrator:

Phone: _____ Bar # _____

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

)	
)	
Plaintiff,	)	CV
,)	
vs.	)	ARBITRATOR'S NOTICE
	)	OF CASE STATUS
)	
)	
Defendant,)	

The arbitrator has been notified the parties have settled and will be filing the appropriate documents with the court on _____ 20____.

As arbitrator in this case, I have taken the following actions to process this case.

I received the following results:

Arbitrator

Original eFiled with Superior Court at:

www.azturbocourt.gov

Copies mailed this ____ day
of _____, 20__ to:

Plaintiff(s)

Defendant(s)

Arbitrator:

Phone: _____ Bar # _____

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

)	
)	
)	
Plaintiff	)	CV
)	
vs.	)	NOTICE OF ARBITRATION HEARING
)	
)	
)	
Defendant)	

Three weeks prior to the hearing, it is the responsibility of counsel and persons representing themselves, to notify, the Arbitrator and the Civil Court Administration Arbitration Department if an interpreter is needed.

The Arbitrator is responsible for promptly notifying the Civil Administration Arbitration Department and Court Interpreter Translation Services (602-506-3494) of any rescheduled hearings and cancellations in writing.

The arbitration hearing in this matter is set for the _____ day of _____, 20 ____ at ____ o'clock (a.m. /p.m.).

The hearing is expected to take _____ hours and _____ minutes and will be held at the following location:

Dated this _____ day of _____, 20 _____.

Arbitrator

Original eFiled with Superior Court at:

www.azturbocourt.gov

Copies mailed this ____ day of _____, 20 ____ to:

Plaintiff(s)

Defendant(s)

Revised September 4, 2020

Arbitrator:

Phone: _____ Bar # _____

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

)	
)	
Plaintiff,	)	CV
)	
vs.	)	NOTICE OF DECISION
	)	OF ARBITRATOR
)	
)	
Defendant,)	
)	
_____)	

As Arbitrator for this cause, I find in favor of _____, in the amount of _____. I find that _____ is the prevailing party. The prevailing party shall submit to me a proposed form of award, an affidavit in support of attorneys' fees, if attorney fees are recoverable, and a verified statement of costs. Copies shall be served by mail or delivered to all parties within 10 days from the date of this notice.

Dated this _____ day of _____ 20____.

Arbitrator

Original eFiled with Superior Court at:

www.azturbocourt.gov

Copies mailed this _____ day

of _____, 20____ to:

Plaintiff(s)

Defendant(s)

Arbitrator:

Phone: _____ Bar # _____

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

)	
)	
)	
Plaintiff,	)	CV
)	
vs.	)	WAIVER OF RIGHT TO APPEAL
	)	ARBITRATION AWARD
)	
)	
Defendant,)	
)	
)	
_____)	

Pursuant to A.R.S. Rules of Civil Procedure 77(e), the parties stipulate that the award entered by the Arbitrator shall be binding upon the parties.

Dated this _____ day of _____, 20 _____.

(Signature)

(Typed Name)

(Signature)

(Typed Name)

Original eFiled with the Superior Court at

www.azturbocourt.gov

Copies mailed this _____ day of _____,

20 _____ to:

Plaintiff(s)

Defendant(s)

Revised September 4, 2020